

COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

HEARING DATE: August 26, 2010
ITEM NO: 3
TIME: 10:40 am

TO: Planning Commission
FROM: Gerry Haas
DATE: August 26, 2010
SUBJECT: CONDITIONAL USE PERMIT MODIFICATION (CUP-107)
AUBURN RACQUET CLUB

COMMUNITY PLAN AREA: Auburn/Bowman

GENERAL PLAN DESIGNATION: Low-Medium Density Residential (2-5 Dwelling Units per Acre)

ZONING: RS-AG (Residential Single-Family, combining Agriculture)

STAFF PLANNER: Gerry Haas

LOCATION: 1255 Racquet Club Drive, Auburn

ASSESSOR'S PARCEL NUMBER: 052-112-027

APPLICANT: Placer County Planning Department

PROPOSAL:

The Placer County Planning Department has initiated proceedings for the modification of a Conditional Use Permit (CUP-107) for the Auburn Racquet Club. CUP-107 (approved in 1976) allows for the construction and lighting of four tennis courts along the north property line of the project site, with the stipulation that, "If night lighting on the tennis courts becomes a problem and interferes with the reasonable peace and tranquility of the neighbors, this permit will be set for hearing for possible revocation or modification to mitigate any possible undesirable effects caused by this permit" (Condition 4).

Night lighting, in the form of twelve 20-foot poles and 16 individual fixtures, was installed on tennis courts six and seven (northwest corner of the site) in October 2008 (see Site Plan, Attachment A). Based upon complaints received by Placer County Code Enforcement Division and further review by Planning Department staff, it has been determined that the new lights may interfere with the reasonable peace and tranquility of the neighbors.

Consistent with the provisions of the original Conditions of Approval, staff has prepared this report to allow the Planning Commission the opportunity consider a proposed modification of Condition 4 to develop design criteria that will reduce or eliminate impacts on adjacent residential development from lighting of the tennis courts in question.

CEQA COMPLIANCE:

The project is categorically exempt from environmental review per Class 1 of the Placer County Environmental Review Ordinance and CEQA Guidelines, Section 15301 (Minor Alteration of Existing Facilities).

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. Other appropriate public interest groups and citizens were sent copies of the public hearing notice. The Departments of Public Works, Environmental Health, and Air Pollution Control District were also transmitted copies of the notice.

SITE CHARACTERISTICS:

The Auburn Racquet Club is located on the west side of Racquet Club Drive, approximately 300 feet north of Luther Road, in the North Auburn area. The Racquet Club includes two parcels. The southern parcel (APN 052-112-028) consists of the clubhouse, gym, spa, two swimming pools, three tennis courts, fencing, lighting and parking. The northern parcel (subject parcel APN 052-112-027) is developed with six outdoor tennis courts, fencing and lighting. The Racquet Club is bordered on the north, south and west by single-family residences. To the east, beyond Racquet Club Drive, are additional single-family residences.

EXISTING LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
SITE	Fitness Center	RS-AG (Residential Single Family, combining Agriculture)
NORTH	Residential	RS-AG (Residential Single Family, combining Agriculture)
SOUTH	Residential Office	RS-B-100 (Residential Single-Family) OP-Dc (Office and Profession, combining Design Scenic Corridor)
EAST	Residential	RS-AG (Residential Single Family, combining Agriculture)
WEST	Residential	RS-AG (Residential Single Family, combining Agriculture)

BACKGROUND:

The Auburn Racquet Club was originally approved under a Land Development Agreement (LDA-883) in 1973 as a small club with four tennis courts. Over the years and through approval of several land use entitlements, the club grew to its present size, as documented on the following table:

<u>Permit</u>	<u>Description</u>	<u>Date</u>
LDA 883	Racquet Club approval (Court 1-4)	May 10, 1973
LDA 947	Expansion of Racquet Club (Courts 5-6)	May 23, 1974
CUP 107	Build and light four tennis courts (Courts 9-12)	June 24, 1976
CUP 378	Lighted tennis courts	October 18, 1979
CUP 757	Club Exercise Building	April 19, 1984
CUP 1713	Tennis court lighting (20' on Courts 5-8, 11-12)	November 17, 1993
CUP 1713 (mod)	New swimming pool	
PCPM 20070447	New parking facility with tennis courts above	

*Note: Tennis court numbers have changed over the years. The current Courts 6 and 7 are referred to as Courts 9 and 10 in previous site plans.

Numerous Building Permits have been issued over the years, as construction and improvements have followed successive entitlements. Most recently, in June 2008, a Building Permit was issued to allow for the installation of twelve 20-foot tall light poles fitted with 16 lights surrounding Courts 6 and 7 (Attachment A). Because these two northwestern-most courts had never been lit, neighbors adjacent to the west of the courts immediately became concerned. In October 2008, four separate residents along Racquet Club Drive submitted Complaint Forms to the Placer County Code Enforcement Division in opposition to the installation of tennis court lighting on the northwest courts.

In January 2009, the Planning Department sent a letter (Attachment E) to Jack Drimmer (owner of the Racquet Club), informing him of the conditions applicable to CUP-107 in regards to tennis court lighting. Condition 4 of CUP-107 (Attachment C) allowed for the construction and lighting of four courts along the north property line, provided that:

“If night lighting on the tennis courts becomes a problem and interferes with the reasonable peace and tranquility of the neighbors, this permit will be set for hearing for possible revocation or modification to mitigate any possible undesirable effects caused by this permit.”

Following the January 2009 letter, Mr. Drimmer contacted the Planning Department and was informed by staff that a hearing would not be pursued until a proposed landscape plan was reviewed by the County and the Club neighbors to determine the potential for the plan to screen the lights.

In July 2009, staff met with Matt Carducci (Racquet Club representative), a landscape architect and two neighboring couples at a home site adjacent to the tennis courts in question in order to review the landscape plan proposed by the Club. It was determined that the landscape plan would be ineffective because: 1) the lights are 20 feet tall, and the bases of the light standards are an additional eight feet above the ground floor level of the adjacent homes (creating an effective pole height of 28 feet above grade, 2) any trees planted to screen these lights would take many years to provide meaningful screening and 3) the only area available for tree planting is within an asphalt drainage ditch which cannot be obstructed by trees.

Following the July 2009 site visit, staff requested that the Racquet Club provide alternative screening proposals. By the end of August 2009, staff had not heard from the Club ownership, so an email was sent requesting a response. On September 19, 2009, staff received a letter signed by seven neighbors who reside adjacent to the tennis courts in question (Attachment D). The neighbors requested a “cease and desist” order, and urged

the County to require that the lights be turned off until the impacts from the tennis court lights can be mitigated.

On October 21, 2009, staff sent a letter to Jack Drimmer notifying him that unless immediate action was taken to reduce the impacts of the lights on his neighbors, Placer County would schedule a Revocation/Modification hearing (Attachment F). Mr. Drimmer then began coordination with staff to resolve the lighting issue. Through the remainder of 2009, and up to March 2010, staff conducted day and night-time visits with property owners and also with Racquet Club personnel in order to determine what options, aside from the installation of landscaping, could be pursued to reduce the impacts of the lights in question.

During these night-time visits, staff determined that reducing the height of the poles from their current height of 20 feet to 13 feet would prevent the direct glare of the lights from shining over the screened fencing and impacting the neighboring residents. In addition, staff determined that the light fixtures along the west property line should be screened to direct the light downward and away from the adjacent residences. Finally, staff determined that the lights surrounding courts six and seven should be turned off by 9:00 pm each night to ensure that the ambient light does not continue to affect the neighboring residents

ANALYSIS

Proposed Modification of Condition 4:

Condition 4 of CUP-107 does not prohibit new tennis court lighting, but states that new lighting must not impact neighboring residences. Mr. Drimmer states that the new lights are necessary because the Club has fewer courts today than it did a year ago, and all courts now need to be lit occasionally for tournament play.

Staff has determined that the Condition 4 for CUP-107 should be modified to include a provision to restrict the height of these, and any future lights surrounding Courts 6 and 7, to no more than 13 feet above the finished grade of the tennis courts. Staff has further determined that the four new light poles along the west property line should be screened to prevent glare onto adjacent residential property to the west of the tennis courts in question. This can be achieved by affixing an opaque screening material to the back of the recessed light fixture. The screen would hang down and extend several inches to either side of the fixture, blocking light from travelling backward or sideways.

Although the direct glare from the tennis court lights can be minimized through the height reduction and screening proposed by staff, the ambient light that illuminates the entire neighborhood would remain. Staff observed that all the homes in the immediate vicinity of the racquet club are at least moderately impacted until the lights are turned off each night. Therefore, staff has determined the need for a provision to limit night-time use of the lights around Courts 6 and 7 to no later than 9:00 pm.

Because Mr. Drimmer has indicated the need for occasional night lighting to occur past 9:00 pm in order to allow for tournament play and other events, staff has determined that night lighting of Courts 6 and 7 may occur until 10:00 pm, provided that the courts are actually in use. Mr. Drimmer has offered to install timers on these courts to automatically shut off the lights at 9:00 pm. These timers can be overridden by club members who may want to use Courts 6 and 7 between 9:00 and 10:00 pm.

Staff therefore recommends the following provisions to Condition 4:

- a) Tennis court lights surrounding Courts 6 and 7, as shown on the approved site plan (Attachment A), shall not exceed 13 feet in height above grade.
- b) Tennis court light poles along the west property line of Court 6 shall be screened to prevent any direct glare onto adjacent properties to the west.
- c) Night lighting of courts 6 and 7 shall be timed to shut off at 9:00 pm, unless the courts are in use. In the event Courts 6 and 7 are in evening use, the night lighting shall not occur past 10:00 pm.

RECOMMENDATION:

Staff recommends that the Planning Commission take action to approve the Modification to Condition 4 of the Conditions of Approval for CUP-107 (Attachment C) as proposed by staff, subject to the following findings.

FINDINGS:

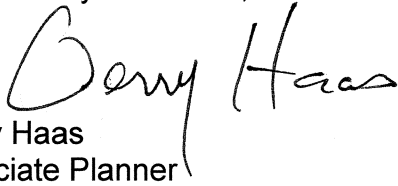
CEQA:

1. The project is Categorically Exempt from environmental review per Section 18.36.030 (Class 1 – Minor Alteration to Existing Facilities) of the Placer County Environmental Review Ordinance (CEQA Guidelines, Section 15301).

MODIFICATION:

2. The proposed Modification of CUP-107 is consistent with all applicable provisions of Placer County Code, Chapter 17, and any applicable provisions of other chapters in this code. The proposed project is consistent with the standards set forth by the Residential Single Family and Combining Agriculture zone district (Section 17.50.010 and 17.52.020) of the Zoning Ordinance.
3. The proposed Modification is consistent with applicable policies and requirements of the Placer County General Plan and the Auburn/Bowman Community Plan.
4. The proposed Modification of CUP-107 will ensure that the establishment, maintenance or operation of the Racquet Club will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood of the proposed use, nor will it be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.
5. The proposed Modification will ensure that the Racquet Club will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.
6. The proposed Modification will not result in an increase of traffic and will not, therefore, generate a volume of traffic beyond the design capacity of all roads providing access to the parcel.

Respectfully submitted,



Gerry Haas
Associate Planner

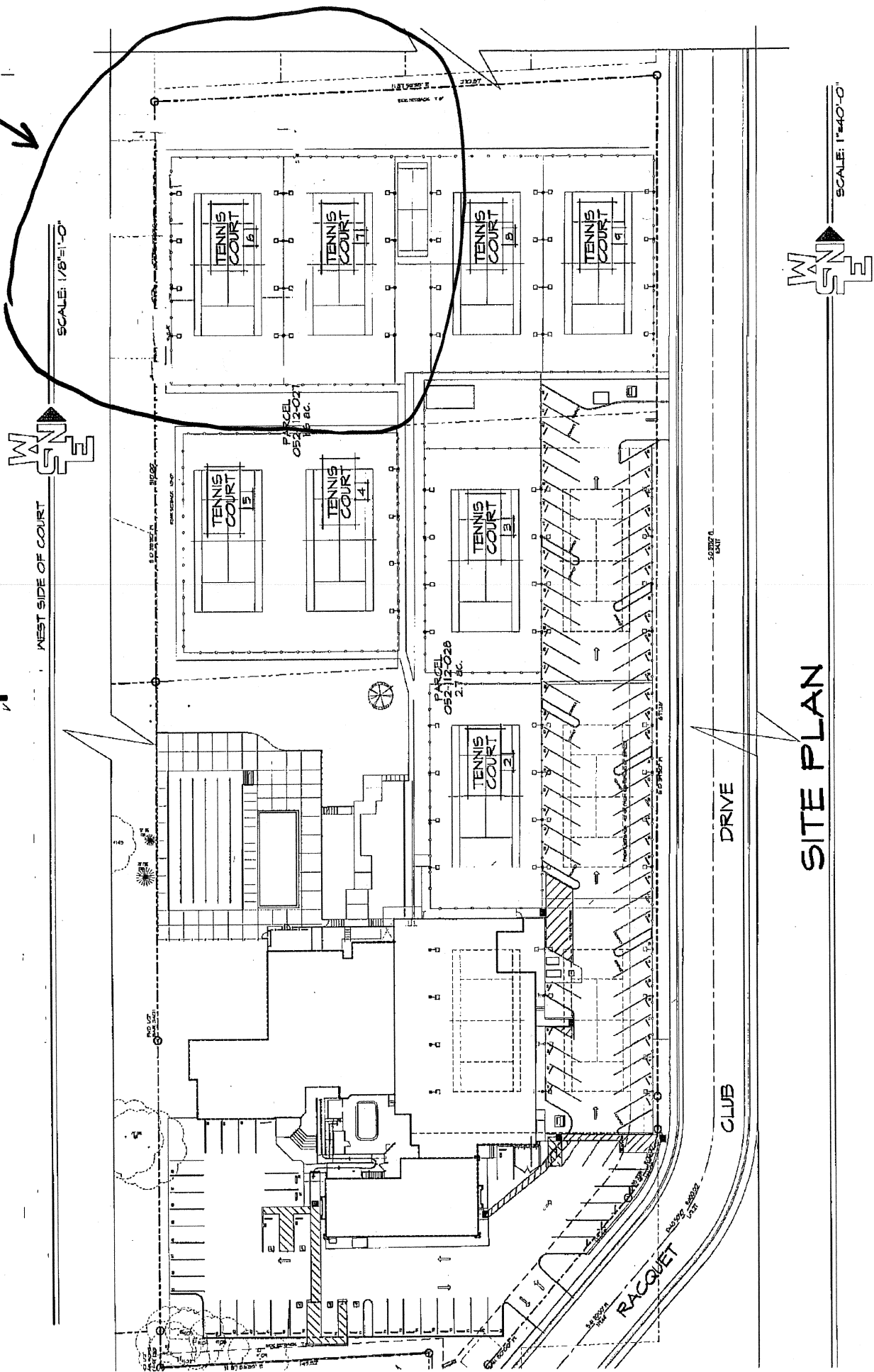
ATTACHMENTS:

ATTACHMENT A – Site Plan
ATTACHMENT B – Vicinity Map
ATTACHMENT C – Recommended Modified Conditions of Approval
ATTACHMENT D – CUP-107 and Original Conditions of Approval
ATTACHMENT E – Planning Department's October 21, 2009 Letter

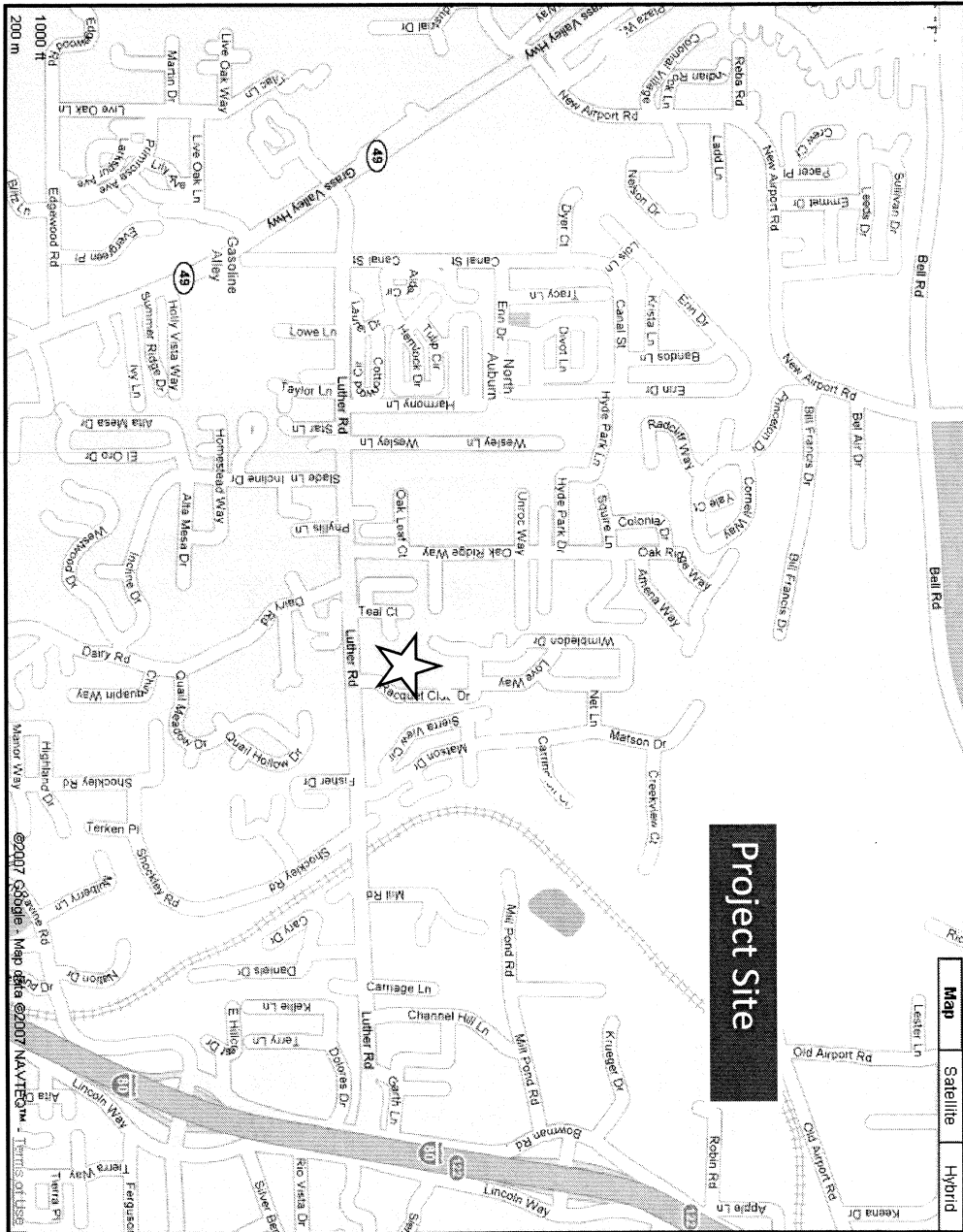
cc: Jack Drimmer, Auburn Racquet Club
Lynn and Donna Shalley
Kathy Wisted – Code Enforcement
Engineering and Surveying Department
Vicki Ramsey – Environmental Health Services
Angel Rinker – Air Pollution Control District
Andy Fisher – Parks Department
Karin Schwab – County Counsel's Office
Paul Thompson – Deputy Planning Director
Michael Johnson – CDRA Director
Subject/chrono files

Auburn Racquet Club

Courts 6 and 7



Vicinity Map





**RECOMMENDED CONDITIONS OF APPROVAL -
CONDITIONAL USE PERMIT MODIFICATION - "AUBURN
RACQUET CLUB" (CUP 107)**

THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING COMMISSION.

1. Lights must not glare into surrounding areas; shields or screens shall be used, if necessary.
2. A landscaping/grading plan shall be prepared and submitted to the Development Review Committee for their review and approval.
3. Landscaping shall be installed and provisions for the maintenance thereof shall be made prior to the use of the courts mentioned herein.
4. If night lighting on the tennis courts becomes a problem, and interferes with the reasonable peace and tranquility of the neighbors, this permit will be set for a hearing for possible revocation or modification to mitigate any possible undesirable effects caused by this permit;
 - a) Tennis court lights surrounding Courts 6 and 7, as shown on the site plan, shall not exceed 13 feet in height.
 - b) Tennis court lights along the west property line of Court 6 shall be screened to prevent any direct glare onto adjacent properties to the west.
 - c) Night lighting of courts 6 and 7 shall be timed to automatically shut off at 9:00 pm unless the courts are in use. In no event shall the lights operate beyond 10:00 pm.
 - d) Night lighting of courts 6 and 7 shall not occur past 9:00 pm.

PURSUANT TO POLI OF BOARD OF SUPERVISORS, ANNING DEPARTMENT
CANNOT ACCEPT APPLICATIONS ON TAX DELINQUENT PROPERTY

PLACER COUNTY PLANNING DEPARTMENT
County Administrative Center, Auburn
Telephone: 885-7711, Ext. 221

NOTICE - ALL APPLICANTS

Conditional Use Permit is:

- Subject to designated conditions
- Granted for specific purpose
- Granted for limited time (see reverse)

Permit No. CWP-107
Date Filed 6/3/76
Hearing Date 6/24/76
Hearing Jurisdiction ZA

CONDITIONAL USE PERMIT

Full Name of Applicant James N. Wilson/Auburn Racquet Telephone (916) 673-1101
Address of Applicant 592 Onstott Road, Yuba City Town Yuba
Name of Property Owner Same Zip Code 95991
Address of Property Owner Same Telephone
Town
Zip Code
Property Zoned C-2 B-10 R-1A Acreage 5
Proposed Development (Describe fully)
Build and light four tennis courts
Method of Sewage Disposal N/A
Assessor's Parcel No. 52-110-10c & 40-100-07
General Location of Property 12701 Luther Road, Auburn

PLEASE SUBMIT WELL-DETAILED PLOT PLAN
(See Reverse)

\$25.00 Filing Fee

Receipt No. 136811

Received by: D. W. [Signature]

Placer County Planning Department

James N. Wilson
Signature of Applicant

Date of Action 6/24/76

XXXX Approved Denied

Summary: Approved subject to the attached 4 conditions.

Thomas D. McMahon
THOMAS D. McMAHAN, ZONING ADMINISTRATOR

(FOR USE AFTER PUBLIC HEARING)

I have read the above conditions and will comply.

(Please return 1 signed copy)

Signature of Applicant

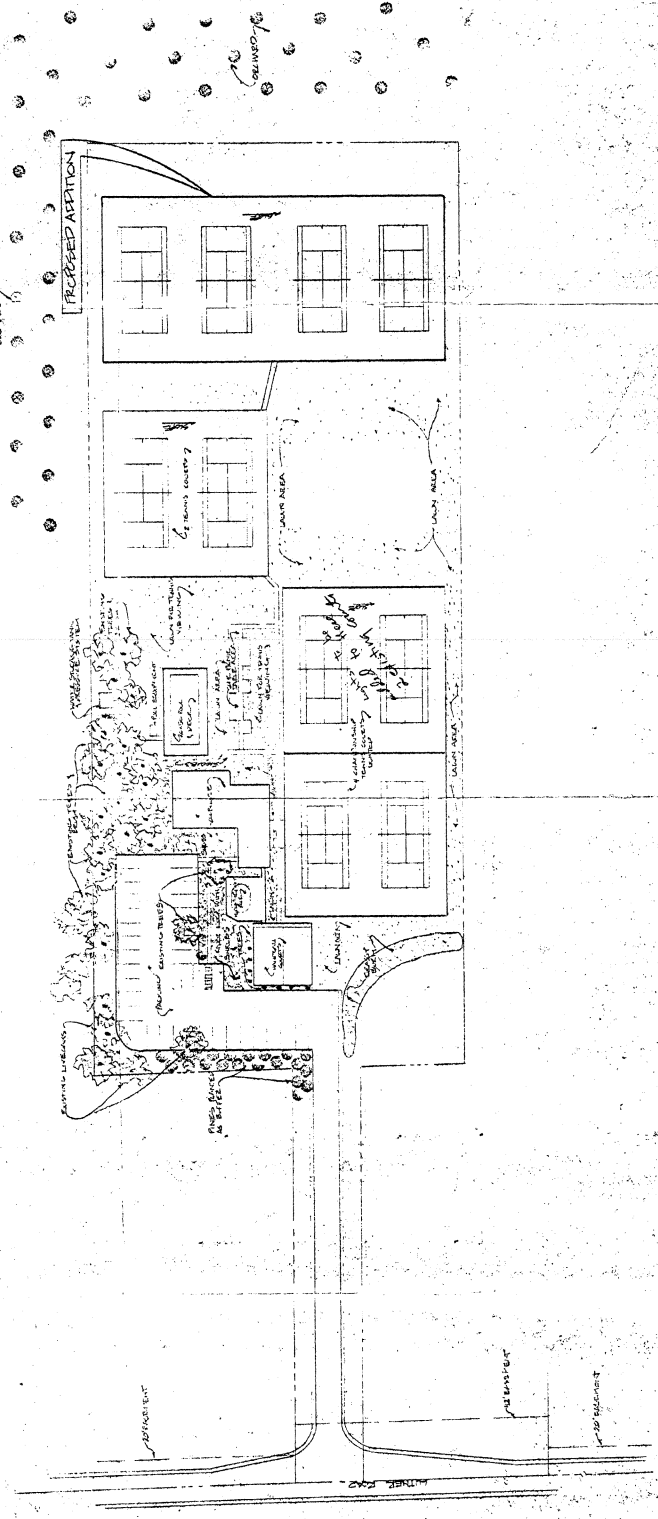
Permits granted for an indefinite period automatically expire one (1)
year after the date of issuance if not exercised by that time.
See Subchapter 30, Section 1208(2) Placer County Code, 1967.

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ATTACHMENT D

THE AUBURN RACQUET CLUB

FLOR - LANDSCAPING PLAN
SCALE 1"=40'-0"

JAMES N. WILSON
LAWRENCE ARCHITECTS
SAN FRANCISCO, CALIF.
YUBA CITY, CALIF.



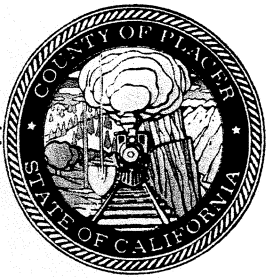
1. Lights must not glare into surrounding areas; shields or screens shall be used, if necessary.

2. A landscaping/grading plan shall be prepared and submitted to the Development Review Committee for their review and approval.

3. Landscaping shall be installed and provisions for the maintenance thereof shall be made prior to the use of the courts mentioned herein.

4. If night lighting, on the tennis courts, becomes a problem, and interferes with the reasonable peace and tranquility of the neighbors, this permit will be set for hearing for possible revocation, to mitigate any possible undesirable effects caused by this permit.

↓
or modification



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

October 21, 2009

Jack Drimmer
Auburn Racquet and Fitness Club
1255 Racquet Club Drive
Auburn, CA 95602

Re: Auburn Racquet and Fitness Club (BCOM 29136.08) - Tennis Court Lighting

Dear Mr. Drimmer,

Late last year, the Placer County Code Enforcement Division received four official complaints, each from individuals who reside on Racquet Club Drive, adjacent to the west of the tennis courts on which you have recently installed new exterior pole lights. The complaints are driven by night-time glare from the new lights onto the back yards and into the windows of these residences.

On January 21, 2009, Mr. Nick Trifiro, sent you a letter describing the conditions of approval applicable to the original Conditional Use Permit (CUP) for your racquet club. Specifically, Nick cited a condition that requires a revocation/modification hearing for the CUP if exterior lighting of the tennis courts should ever become a problem or interfere with the reasonable peace and tranquility of the neighbors. I've attached a copy of Nick's letter for your reference.

In response to Nick's letter, you sent an email correspondence to our Director of Planning, Michael Johnson. In that letter you expressed that you have provided screening of the lights, installed a mesh fence and developed a landscaping plan that, in a number of years after installation, would provide additional screening of the lights.

It was determined at the time that the County would not initiate a hearing for revocation/modification of the CUP unless your attempts to reduce or eliminate the impacts of the tennis court lighting to your neighbors are shown to be ineffective.

On July 10, 2009 I met with Matt Carducci (Auburn Racquet Club), Lee Buckingham (Landscape Architect), Paul Thompson (Deputy Planning Director), Lynn and Donna Schalley and two of their neighbors, at the Schalley's residence at 1375 Racquet Club Drive. The purpose of this site visit was to determine whether the proposed landscaping plan, in conjunction with the preventative measures you have already taken, would truly be effective in screening the exterior lights from the adjacent residences, and how long it might take for the landscaping to provide this screening.

Upon my visit to the site, it was immediately apparent that the lighting would require much more extensive screening to reduce its impacts on the neighboring residences, than had been installed to date. The bases of these lights are at an average of ten feet above the ground floor level of the adjacent homes, and the lights then extend 20 feet above their bases, such that the lights shine down onto the homes in question. Please see the attached photos, which depict the lights as viewed from two separate back yards, and from one of the upstairs bedroom windows.

During the site visit, it was determined that the landscape screening materials would not be effective for many years. This is an issue because, in the meantime, the lights continue to shine onto the back yards of these residences and disrupt the sleep and relaxation of the residents until 10:30 or later in the evenings.

Matt agreed to discuss the outcome of the site visit with you and we waited for a response. By the end of August, we had not heard anything from Matt or you, so I contacted Matt via email requesting an update on the landscape plan and any efforts to provide additional screening of the lights until the trees grow tall enough to serve that purpose. Matt responded that he had spoken to you, and that you were aware that something needed to be done.

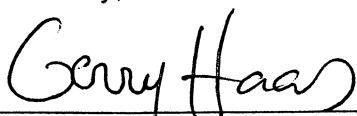
On September 19, 2009, I received a letter signed by seven residents of Racquet Club Drive who continue to be impacted by the lighting and who have demanded that the County abide by the condition of approval that requires a revocation/modification hearing in such a case. In addition, these residents have requested that the County require the lights to be turned off permanently until effective screening is in place to eliminate the glare from the lights in question.

Unless immediate action is taken on your part to reduce or eliminate the light that shines across your property line onto adjacent residences, Placer County will schedule a revocation/modification hearing to address compliance with the conditions of approval of your original CUP. The hearing could take place as early as November, 2009.

Please be advised that there is no condition restricting new lighting, which is why you were able to obtain a Building Permit for the lighting without modifying your CUP. However, there is a condition of the CUP that requires that any new lighting, which is determined to impact neighboring residents, must be redirected, modified or possibly removed through the public hearing process.

Please contact me at your earliest convenience to discuss a course of action.

Sincerely,



Gerry Haas
Associate Planner

Cc: Lee Buckingham, Architect
Michael Johnson, Community Development Resource Agency Director
Paul Thompson, Deputy Planning Director
Michael Wells, Supervising Planner
Carole Barber, Associate CDRA Technician
CUP-107 Project File
Ruth Alves, Administrative Aid to Supervisor Holmes